IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

WP(C).No. 30173 of 2007(P)

PETITIONER:

V.M.JACOB, AGED 49 YEARS,
S/O.MATHAI, VADAKKEKALAYIL HOUSE,
KARIPPADAM P.O., VAIKOM TALUK, KOTTAYAM DISTRICT.

BY ADV. SRI.JOBI JOSE KONDODY

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, COLLECTORATE,
KOTTAYAM DISTRICT.

2. THE TAHSILDAR, VAIKOM TALUK OFFICE,
VAIKOM P.O., KOTTAYAM DISTRICT.

3. THE GEOLOGIST, MINING AND GEOLOGY
DISTRICT OFFICE, CIVIL STATION, KOTTAYAM -2,
KOTTAYAM DISTRICT.

4. P.J.GEORGE, PUTHETHUKUNNEL HOUSE,
PADINJAREKKARA P.O., VAIKOM TALUK,
KOTTAYAM DISTRICT.

5. THE VELLOOR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, MEVELLOOR P.O.,
VAIKOM TALUK, KOTTAYAM DISTRICT.

BY GOVERNMENT PLEADER SRI.I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C). 30173/2007

Dated this the 19th day of October, 2007

JUDGMENT

The prayer made in this writ petition is to direct the second respondent to release the vehicle bearing registration No. KL 9.P 1369 and also to direct the second respondent to send the seizure report of the petitioner's vehicle to the third respondent for adjudication under Rule 48K of the Kerala Minor Mineral Concession Rules, 1967.

2. Petitioner would contend that the transportation was on the strength of Ext.P4 and, therefore, the seizure of the vehicle cannot be justified. Learned Government Pleader, on the other hand, submits that the vehicle in question was seized at 12.15 in the mid night when the vehicle was not accompanied by any pass or other document. Therefore, transportation was totally unauthorised and that in terms of the provisions contained in the Kerala Protection of River Banks & Regulation of Removal Act, 2001, proceedings were initiated.

3. If, as stated by the learned Government Pleader, the seizure has occurred at a time when the lorry in question was just being driven from out of the river, that will certainly be in the course of transportation of river sand. So there cannot be an order directing to release the vehicle at this stage of the proceedings. What is now required to be complied with is that the first respondent shall complete the proceedings in accordance with Rule 27 of the Rules as expeditiously as possible.

4. Accordingly, I dispose of this writ petition directing the first respondent to complete the proceedings under Rule 27 within ten days of receipt of a copy of this judgment.

ANTONY DOMINIC
Judge

mrcs